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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,046	06/24/2003	James H. Wright	WRIGP001US	1045
27949	7590	12/26/2007	EXAMINER	
LAW OFFICE OF JAY R. YABLON 910 NORTHUMBERLAND DRIVE SCHEECTADY, NY 12309-2814			JOYNER, KEVIN	
			ART UNIT	PAPER NUMBER
			1797	
			MAIL DATE	DELIVERY MODE
			12/26/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/604,046	WRIGHT, JAMES H.	
	<b>Examiner</b> Kevin C. Joyner	<b>Art Unit</b> 1797	

All participants (applicant, applicant's representative, PTO personnel):

(1) Kevin C. Joyner. (3) Jay Yablon.

(2) \_\_\_\_\_. (4) \_\_\_\_\_.

Date of Interview: 17 December 2007.

Type: a)  Telephonic b)  Video Conference  
c)  Personal [copy given to: 1)  applicant 2)  applicant's representative]

Exhibit shown or demonstration conducted: d)  Yes e)  No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1.

Identification of prior art discussed: Dodge (WO 00/41945), Adjeleian (U.S. Patent No. 6,596,374).

Agreement with respect to the claims f)  was reached. g)  was not reached. h)  N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The Applicant provided a proposed amendment (see attached) incorporating the limitations of claim 11 into claim 1. The Examiner responded that the limitations would be met with respect to the applied references, wherein the Applicant and Examiner discussed alternative limitations regarding the inward angle at the open top of the apparatus. The limitations, as discussed, appeared to require further consideration and/or search.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



GLADYS JP CORCORAN  
SUPERVISORY PATENT EXAMINER

Examiner Note: You must sign this form unless it is an attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.



Attachment to Interview Summary 12/17/07

# LAW OFFICE OF JAY R. YABLON

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## FACSIMILE COVER PAGE

To: Examiner Kevin Joyner	From: Jay R. Yablon
Fax #: 1-571-273-2709	Fax #: 518-377-6737
Company: USPTO Art Unit 1797	Tel #: 518-377-6737
Subject: Draft amendment to Claim 1 for 10/604,046	
Sent: 12/13/2007 at 12:20:20 PM	Pages: 3 (including cover)

## MESSAGE:

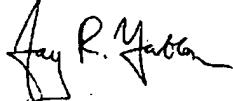
Dear Examiner Joyner:

Please find attached a draft amendment to claim 1 for our phone conference on Monday, December 17, at 10:30 AM. I would essentially merge claim 11 into claim 1, with some additional recitations, to make clear that all of the recited dimensional aspects of applicant's invention, and the fact that they all subsist in a single unitary article of manufacture, are part of the independent claims.

In Adjeleian, US 6,596,374, the wider lip 3 in Figures 3 and 5, etc. is clearly separate from the rest of the object 4, and is clearly a separate retainer, not at all unitary with the retained object itself. In Dodge, WO 2000/41945, there is no wider base akin to 106 of applicant's device, and also, the inward angle does not proceed right up to the open top.

I would respectfully submit that none of the references discloses, suggests or motivates all of these dimensional features of applicant's invention, in a single, unitary device.

Very truly yours,

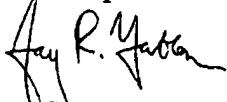


Jay R. Yablon, Registration # 30604

## CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office Fax Number 1-571-273-2709 on the transmission date of 12/13/2007, pursuant to 37 C.F.R. 1.8

Name of person signing this certificate: Jay R. Yablon



(signature)

# Attachment to Interview Summary 12/17/07

1 1. (presently amended) An anti-splash, anti-spill fluid-  
2 holding apparatus, comprising:  
3       an inner side surface comprising an inner mid section  
4 diameter thereof continuing inwardly to an inner upper section  
5 diameter thereof which is smaller than said inner mid section  
6 diameter, from more than side cross-sections;  
7       an outer side surface comprising an outer mid section  
8 diameter thereof continuing to an outer lower section diameter  
9 thereof which is larger than said outer mid section diameter,  
10 from more than two side cross-sections;  
11       said outer side surface further comprising an outer diameter  
12 thereof which, between said outer lower section diameter and an  
13 outer upper section diameter thereof, substantially never  
14 increases when moving from any lower circumference thereof to any  
15 higher circumference thereof, from more than two side cross-  
16 sections;  
17       an inward angle comprising a less than 90 degree angle  
18 tangential to any point along said inner side surface from said  
19 inner mid section diameter to said inner upper section diameter,  
20 from more than two side cross-sections;  
21       an open top circumscribed by said inner upper section  
22 diameter; and  
23       a base circumscribed by said outer lower section diameter; and  
24       and  
25       said inner side surface, said outer side surface, said  
26       inward angle, said open top which is smaller than said inner mid  
27       section diameter, and said base circumscribed by said outer lower

29 | diameter, all comprising a single, unitary article of  
30 | fabrication.